VI.—GOVERNMENT BILLS.

THE MADRAS REQUISITIONED LAND (CONTINUANCE OF POWERS) BILL*, 1952 (L.A. BILL NO. 3 OF 1952) (AS PASSED BY THE ASSEMBLY).

THE HON. SRI M. A. MANICKAVELU NAICKER :—" Mr. Chairman, Sir, I beg to move—

'*That the Madras Requisitioned Land (Continuance of Powers) Bill*, 1952 (*L.A. Bill No.* 3 *of* 1952), *as passed by the Assembly be taken into consideration.*'

" Sir, the Bill as passed by the Assembly has been circulated to hon. Members. I should like to say a few words about the necessity for this legislation. During the War, lands and buildings were requisitioned under the Defence of India Act, 1939, and they continued to be subject to requisition under the Requisitioned Land (Continuance of Powers) Act, 1947 (Central Act XVII of 1947). That Act expired on the first of April 1951 and it was extended for a further period of one year by Central Act IX of 1951. But that Act did not apply to State properties and therefore, the Madras State passed another Act, Madras Act II of 1951. In March, this year, a new measure called the Requisitioning and Acquisition of Immovable Property Act, 1952 (Central XXX of 1952) was passed by Parliament and this repealed Act XVII of 1947. The result was that while the Central Government took care to make suitable provision in respect of Central properties, the State was left without any legislation concerning its properties. Therefore, Madras Ordinance I of 1952 was promulgated and that had to be replaced by a regular legislation. Pursuant to that, this Bill was introduced in the other House. Though it is a small Bill, it was thought fit to refer it to a Select Committee. The Select Committee consisted of Members from the various sections of the House; a lady Member of the Assembly, who is an advocate was also on the Committee. The Committee went carefully into the provisions of the Bill and therefore despite the many changes made in it, the Assembly accepted the measure as it emerged from the Committee and passed it in a few minutes. The Bill has now come here, and I am sure there will not be much difficulty in this House passing the measure also."

MR. CHAIRMAN :—" The Motion before the House is—

'That the Madras Requisitioned Land (Continuance of Powers) Bill, 1952 (L.A. Bill No. 3 of 1952), as passed by the Assembly be taken into consideration.' "

* SRI S. B. ADITYAN :—" Mr. Chairman, Sir, we have been given copies of the Bill and we find that on the first page of the little pamphlet there is a report of the Select Committee which was appointed to consider the Bill in the other House. As regards the history of this measure, I see that, it was published in the Gazette and introduced in the other House; and there it was thought to be such an important measure that a Select Committee

---

* Printed as Appendix II on pages 75–88 infra.

30th June 1952] [Sri S. B. Adityan]

should go into it and accordingly a Select Committee was set up. As the Hon. Minister himself observed, the Committee which consisted of a lady Member also, went thoroughly into the Bill and made a report. Then the House considered the report and passed the Bill as amended by the Select Committee. The Bill has come to this House at this stage. I ask, Sir, whether we can now do any useful work with regard to this Bill; it has come to us at its final stage, at which it will not be possible for us to make any real contribution in shaping it. Can we change even a comma or a fullstop or even a word in the text of the Bill? I am sure the Government are not prepared to accept any such thing. I submit what really ought to have been done with a Bill of this nature is that it should have been referred to a Joint Select Committee of both the Houses of Legislature. I agree that in regard to Money Bills we cannot make any effective contribution, but in the case of all non-Money Bills, which are considered important enough to be referred to Select Committees, they must be referred to Joint Select Committees. Members of this House are reputed to be persons with ripe experience, as a higher age limit has been fixed for Membership of this House; as a matter of fact, this House consists of very able persons, persons of talent and wide experience. It is but proper that some of them should take part in the deliberations of the Select Committee on such a Bill so that they could make effective contribution to the discussions relating to the shaping of the Bill. It is not as if the changes made in this particular Bill by the Select Committee are unimportant.

"Sir, I find actually in the report of the Select Committee that important changes have been made. The Committee themselves say that the changes they have made are important. They say that they have made provision for notice. They have made special provision in regard to the possession by the Government of the requisitioned property. They have also made provision for compensation. These changes are important. Why should we assume that good suggestions will be made only by the Members of the other House? Sir, this question has been considered before. This is not the first time that this matter has been raised here. Some years ago this matter, that is, the question of appointing a Joint Select Committee of both the Houses was considered and there was a discussion between the then Leader of the other House, Mr. Gopala Reddi and the then Chairman, Mr. R. B. Ramakrishna Raju. It was finally agreed that in the case of all non-Money Bills which are considered to be important enough to be referred to a Select Committee, that Committee should consist of members of both the Houses, so that the ripe experience of the Members of this House may also be put to use for the purpose of drafting the Bill. I do not know why that procedure has not been observed in this case, while we have been observing that convention all along. It is not a ruling, but it is a practice that has been observed in regard to matters of this kind. So far as I know, if a Joint Select Committee had been appointed, it would have been possible for the Members of this House to express their opinion. We have got persons in this House who possess legal

4-30 p.m.

experience and administrative ability. We have got Sri Bhashyam Ayyangar, a retired Judge, for whom I have great respect. We have also got Dr. Lakshmanaswami Mudaliyar and Dr. Shanmukham Chetty. Such persons ought to have been given an opportunity to effectively express their opinions on this Bill. Do the Government think that the suggestions they may make should not carry any weight? This is a matter for the Hon. Chairman to take up and consult all persons concerned, and I hope at least from next time onwards it would be agreed as a convention or arrangement between the two Houses that Select Committees appointed to consider non-Money Bills should be Joint Select Committees.

"Sir I am not saying anything against the inclusion of a lady Member from the other House. But I do not understand the point made about the lady Member. I am sure, we have lady Members here also who could make as much contribution to the discussion of the Bill as the Lady Member of the other House. If we cannot have an effective voice in the shaping and wording of a Bill of this kind, what for are we here? Are we merely to set our seal of approval on whatever the other House passes or the Select Committee of that House is pleased to send here? Are we merely to rubber-stamp anything that comes from the other House and then pass it? Therefore, my humble submission is that, if we cannot make an effective contribution, this House is practically useless, and it may even be better to abolish it. I can understand it if there is no Joint Select Committee for a Money Bill. But in the case of a Bill not certified by the Speaker to be a Money Bill, there should be a Joint Select Committee of both the Houses. Otherwise, what is the purpose for which we are here? Are we not possessing that amount of knowledge and talent the other House possesses? Is it not necessary that we should contribute our share to the making of a Bill of this kind? If not, I think, it is mere waste of money to have this House. Some time ago, actually there was a proposal to abolish this House. I find that hon. Members on the other side are also agreeing with me. It is not only the opposition side that is powerless but also the other side. I say, let any hon. Member on the other side try to make any change and he will see what happens. Such changes will not be allowed to be made. Is this House intended for the purpose of finding seats for Ministers who are either lazy or unwilling to face an election? I am not referring to the Hon. the Chief Minister. We have had other nominations of Ministers as Members. We have had Dr. Gurubatham and Sri Kala Venkata Rao who were chosen as Ministers and nominated as Members of this House instead of making them face an election. Is that all the purpose of this House? I think, if that is to be the view, we must cease spending public funds on this House. We are merely wasting public money. Of course, the Congress Party is in a majority in this House and we in the opposition are in a minority, and they can get anything they want, but at the same time we have got to think of the people's money. We should not waste their money. What do we actually find to-day? The

30th June 1952] [Sri S. B. Adityan]

other House had appointed a Select Committee and under Rule 109 we are prevented from appointing a Committee of our own.

"Now, I come to another matter. We did not have time to go through the Bill thoroughly. We must have had some three days' notice. Some of us got the Bill only yesterday and I hope in future we will be given sufficient time to go through Bills."

SRI V. CHAKKARAI CHETTY :—" Mr. Chairman, Sir, I am not claiming any right as a man of legal experience and talent, as my hon. Friend Mr. Adityan claims, but I am speaking as an ordinary man. Perhaps, tne Hon. Minister who moved this Motion thinks that he is the chief shepherd and we are the sheep, and he expects us all to follow him wherever he goes. I am quite prepared to do that on certain occasions, but at present, Sir, I feel that we ought to have been given some more time to think about this matter. It may be that it is purely a formal matter not requiring much consideration, and it may be that even after we have gone into this Bill thoroughly we may not feel called upon to make any radical changes in the Bill, and we may practically rubber-stamp this Bill as passed by the Assembly. But whatever it may be, I wish also to ask you, Sir, to give us time not only to consider the Bill but, if necessary, to propose amendments. I do not know whether the Rules under the Constitution prevent us from making suitable amendments to any Bill that might have been passed by the Assembly. No doubt, we are only, in one sense, an auxiliary or a subordinate body, not having any original jurisdiction in regard to matters of this kind. But in all fairness, a certain amount of latitude and indulgence ought to be allowed to this House in order that it may make some contribution, however humble it may be, to the improvement of the Bill. I wish that this may be taken into consideration, though at this stage we are called upon to follow in the footsteps of our chief leader so far as this Bill is concerned and vote for it."

* SRI K. BALASUBRAMANYA AYYAR :—" Mr. Chairman, Sir, I also wish to mention certain difficulties in regard to the passing of this Bill. This is a short Bill and the principles involved in the Bill are very few. Still some verbal amendments may be necessary. It may not be possible now to propose such amendments because notice of such amendments should be given three days in advance. Sir, only yesterday, we got the Bill as passed by the Assembly, and even in that Bill some corrections were made in ink some of which were not legible. It is only now that we saw the Bill finally printed and placed on the Table of this House. As I went through the provisions of the Bill carefully, I found that some clauses of the Bill require alteration and some verbal amendments. For instance, the Defence of India Rules have been bodily incorporated as a Schedule to this Bill. I do not know whether it has been noted by the Members of the Assembly.

[Sri K. Balasubramanya Ayyar] [30th June 1952

" Now, Sir, I find, in the Schedule to the Bill, a reference to the Central Government appointing arbitrators. Section 19 (1) (b) of the Defence of India Act, 1939, as incorporated in the Schedule says—

'Where no such agreement can be reached, the Central Government shall appoint an arbitrator, a person qualified under sub-section 220 of the abovementioned Act, for appointment as a Judge of a High Court.'

Is it contemplated that the Central Government should appoint a person as arbitrator while we are dealing with the requisitioned properties? As a matter of fact this has been done merely in the course of drafting, when the Rules under the Defence of India Act have been incorporated as a Schedule to the Bill. Bills have to be carefully scrutinized by all the people concerned. Nobody should think that he can completely go through all the provisions in the Bill. Always there are drafting difficulties. Even the most competent person might, of course, overlook some provisions. It is, therefore, better that we should have Members of both the Houses on the Select Committee appointed to consider a Bill of this nature, so that the talent that is available in this House can be made use of for improving the Bill."

4-45 p.m. * Sri V. GURUNANDAN ROW :—" Mr. Chairman, Sir, I would also add my remarks regarding the unnecessary hurry in bringing forward this Bill. Ordinance II of 1952 was passed only on the 6th June; only after six weeks' time it will lapse. Further it is not as if we are sitting to-day for the last time in this session. In fact we have only commenced our sitting just now. The discussion of the Budget is not yet over; so we can take up this Bill later after the Budget discussion is over, instead of to-day. The Bill was received by us only yesterday evening, as was stated by the previous speaker, Mr. Balasubramania Ayyar. So it is impossible for anybody in such short time to give it the best attention and care that it deserves.

" Sir, just in passing, I may as well say this : though I have not made a thorough study of the Bill, from a perusal of it, it seems to me there is some constitutional difficulty involved in it. I doubt, whether even if we pass this Bill to-day, it will be constitutionally valid. As I said earlier, I have not studied it well; still, I hope I am not incorrect in my contention. For, I would like here to draw the attention of the House to Clause 2 of the Bill. It runs thus—

'*Continuance of requisition*.—All immovable properties which were requisitioned by or under the authority of the State Government and for their purposes under the rules made under the Defence of India Act, 1939 (Central Act XXXV of 1939), and which at the commencement of this Act continued to be under requisition by virtue of the Requisitioned Land (Continuance of Powers) Act, 1947 (Central Act XVII of 1947), Madras Act II of 1951, Madras Ordinance I of 1952 and Madras Ordinance II of 1952 shall continue to be subject to requisition until the expiry of this Act. '

Sir, I understand, at the time when Ordinance I of 1952 was placed on the table of the other House and this Bill came before that House, objection was raised as to the validity of that Ordinance because I think, when Madras Act II of 1951 was taken into consideration, the provisions of the Central Act had ceased to have

30th June 1952] [Sri V. Gurunandan Row]

effect, that is, that Act had been repealed. So, long before Ordinance I of 1952 was passed the Central Act itself had lapsed, and so the Madras Act ceased to have any existence at all. So it is doubtful whether Ordinance I had been effective. Then further complications arose, and Ordinance II of 1952 was promulgated. This Ordinance was passed after the commencement of the Legislature. In fact, it was passed after the Legislature had met and appointed a Select Committee to go into the Bill. The Legislature was prorogued. For what reason it was done, I do not know. In any case, once a Bill is before the House, I doubt very much whether an Ordinance on the subject will be valid; because it will go against Article 213 of the Indian Constitution, which provides that the Ordinance shall cease to operate at the expiration of six weeks from the reassembly of the Legislature. Sir, the Government cannot do indirectly what they cannot do directly. The effect of Madras Ordinance II is that Government indirectly make Ordinance I have effect for more than six weeks. So I will content myself now with saying that certainly there is a constitutional flaw, and I wish hon. Members of this House had been given more time, so that they may study the Bill thoroughly and make their best contribution to the shaping of the measure instead of showing them scant courtesy by circulating the Bill on a previous evening, asking them to study it overnight and pass it the next day after rushing it through all the stages."

* SRI B. V. SUBRAHMANYAM :—" Mr. Chairman, Sir, I too wish to make a few remarks on the same lines on which my friends have done with respect to this Bill. Firstly, I have not myself studied the Rules, and I plead guilty for not having done so. I wish it had been possible for one or two of us from this House to sit along with the Members of the Lower House in the Select Committee on this Bill. Then we could have trusted their judgment. Most of us have so many other matters to devote our attention to and in hurrying this Bill in this Chamber we feel that things have been done in the proper way. If only this House had been given some representation on the Select Committee the deliberations of this House would have been different to-day. As I said earlier, I have not studied the Rules; but if the Rules permit, or rather if the Rules do not make a Joint Select Committee impossible, I would say now, that at least as a matter of convention it should be made possible for this House hereafter to choose one or two Members of this House to sit on such a Committee, so that on an occasion like the present one we can contribute our mite to the proper shaping of the Bill. One or two such Members, if they were on the Committee could act as if briefed for us and put the case to us. At present, I will not say, 'I protest', but I will say, it seems unfair not to allow us sufficient time to devote our full attention to this measure. I say it is unfair to some of us who are trained for such a task not to allow us time to study the Bill from an angle different from that of the Members of the other House and present our amendments to the measure. So I should join my Friends, I do not say

[Sri B. V. Subrahmanyam] [30th June 1952

Friends on our side only, in appealing to the good sense of the Government and that of the Hon. Minister concerned, to postpone the further discussion of this measure in this House to some other occasion, when, it may be possible for us to make our suggestions and put forward such amendments as are necessary. I think it would be best to have this measure taken up here a few days later, say, soon after the Budget discussion is over, that is, three or four days hence, so that we may have sufficient time to look into the great principles involved. So I appeal to the good sense of the Hon. Minister to postpone the discussion of this measure here for a few days."

* THE HON. SRI C. RAJAGOPALACHARI :—" Mr. Chairman, Sir, I am grateful to the suggestions made by hon. Members on the other side, on the general principles with regard to the procedure to be followed in future in piloting Bills. It was said that this House has an equal amount of interest in them, that it has plenty of talent and is anxious that ways should be found to utilise that talent. Sir, belonging as I do to this House and in which I am the Leader of the House, I do not deny that we have plenty of talent, and so I need not be expected to contradict my Friends on the opposite side when they claim that they should be put in a position to examine the merits and demerits of any measure brought forward here. I wish hon. Members who have protested against the passing of this Bill now, to understand the *bona fides* of our procedure. I see no objection to the procedure suggested by them. But I wish here to explain our *bona fides* in this measure. The object of this Bill is only this : There is no question of requisitioning property now. It is only a question of regularising the possession of property when derequisition process is going on. As we go on derequisitioning property we should take care to see that there is no legal law in the possession of property, until derequisitioning and handing-over is completed. The history of the measure has been traced by the hon. Mover of the Bill. When the Central Government reiterated their position when they re-enacted their measure they made the mistake, either knowingly or unknowingly of not providing for the necessary legal possession of properties in this State. It is only to correct that position that this Bill has been introduced now. There is no question of using this measure to requisition properties. It is to be used only to regularise the possession of properties while the derequisition process is going on.

"Then, Sir, with reference to the procedure we followed in regard to this Bill, I wish to say a few words. We introduced this Bill in the Assembly last session; we explained to that House the object of this legislation; we never expected such a formal Bill would demand the attention of a Select Committee; but it was proposed to refer the Bill to a Select Committee by certain Members and the Assembly agreed to it. The Select Committee went in great detail into the implications of the Bill; it devoted time to discuss the Bill, clause by clause. The changes made by the Select Committee are only formal. All the same I do not wish to say the

30th June 1952] [Sri C. Rajagopalachari]

changes are unimportant. These changes ought to have been made in the original Bill itself. It is only lapses of attention which necessitated the amendments. The amendments only filled the gaps in the law, which occurred due to lapses of attention while drafting it. As regards the *bona fides* of the Government in regard to this Bill when they first brought it forward, it was open to them to have brought forward a Resolution for referring this Bill to a Joint Select Committee. But at that time nobody ever expected that the Government would be asked to refer this measure to a Select Committee. No doubt the Rules provide for the formation of a Joint Select Committee. First of all a Resolution has to be brought forward in the Assembly for referring a Bill to a Joint Select Committee and then a similar resolution has to be brought forward here for such a purpose. I realise it is in Government's own interest that I should get every Bill thrashed out in a Joint Select Committee, where I have no doubt, more attention will be devoted and greater deliberation into the entire legal aspects of a measure will take place. But I have to say on this occasion, we have no time for all that now. But at the same time I wish to assure the House that there is no danger in passing this measure as it has emerged from the Assembly.

"As regards the point referred to by Mr. Balasubramania Ayyar, naturally, being a lawyer, he has laid the finger on the right spot. We shall certainly attend to it. The Ordinance is to lapse within a certain time. As regards the point raised by the Leader of the Opposition that there is no great hurry to pass this legislation, I would say there is no particular risk involved in passing this measure to-day.

"I promise on behalf of Government that in future, I shall always remember that when there is any question of importance we shall follow the procedure of having a Joint Select Committee so that we may have all talent put together and it will be easier to examine a thing when several heads come together. In so far as this Bill is concerned, I beg of the House to get through it without any further delay." 5 p.m.

MR. CHAIRMAN :—"The question is—

'That the Madras Requisitioned Land (Continuance of Powers) Bill, 1952 (L.A. Bill No. 3 of 1952), as passed by the Assembly be taken into consideration.' "

The Motion was carried.

Clauses 2 to 9 were put and carried.

The Schedule was put and carried.

Clause 1 was put and carried.

The Preamble was put and carried.

* THE HON. SRI M. A. MANICKAVELU NAICKER :—"Sir, I beg to move—

'*That the Madras Requisitioned Land (Continuance of Powers) Bill*, 1952 (*L.A. Bill No.* 3 *of* 1952), *as passed by the Assembly be read a third time and passed.*'

[Sri M. A. Manickavelu Naicker] [30th June 1952

"In doing so, I wish to thank the hon. Members of this House for co-operating with us on this side of the House and seeing that this Bill is passed into law. I did not mention it in the beginning, but it was mentioned by the Hon. the Chief Minister, that the chief idea of this Bill is not one of requisitioning but derequisitioning and this derequisitioning also is not a new thing. It has been going on for a long time. By this legislation, we are only regularising the possession of property when this process is going on and there is nothing new in it. The Central Government's Act took care of their own properties and left this State to legislate for the properties that were in their possession. We are only making this process legal. Sir, originally, this Bill was not proposed to be referred to a Select Committee at all. It was put down in the Agenda of the Assembly only for being taken into consideration and passed into law. Later on, in response to the wishes of a certain section of that House the Bill was referred to a Select Committee."

SRI S. B. ADITYAN :—" Sir, may I ask the Hon. Minister not to spoil the effect of the Hon. the Chief Minister's speech?"

* THE HON. SRI M. A. MANICKAVELU NAICKER :—" Sir, I am not spoiling the effect of the Hon. the Chief Minister's speech at all. I am only saying that this is not a new piece of legislation. My hon. Friend will have ample opportunities of exhibiting his talent when there are other and bigger Bills coming before this House. I am only explaining that this is a very harmless piece of legislation."

MR. CHAIRMAN :—" The question is—

'That the Madras Requisitioned Land (Continuance of Powers) Bill, 1952 (L.A. Bill No. 3 of 1952), as passed by the Assembly be read a third time and passed.'"

The Motion was carried and the Bill was passed.

MR. CHAIRMAN :—" The House will now adjourn and meet again at 4 p.m. on Friday, 4th July 1952."

The House then adjourned.

VII.—PAPERS LAID ON THE TABLE OF THE HOUSE.

1. *The Madras Sales of Motor Spirit Taxation (Amendment) Ordinance*, 1952 (*Madras Ordinance No. III of* 1952)

2. *The Madras Requisitioned Land* (*Continuance of Powers*) *Bill*, 1952 (*L.A. Bill No.* 3 *of* 1952), *as passed by the Assembly and received therefrom in the Council.*